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Regarding amended claim 1, for example, the examiner fails to point to specific disclosure in Ogawa et al. showing the step “determining an optimal file format of said data file from a plurality of stored file formats of said data file for use in performing said translation” and then translating the optimal file format according to the “data file determined in said determining step” (underling indicates amendatory language omitted from examiner’s analysis). As support for the rejection, the examiner continues to rely on the same passages in Ogawa et al. (col. 34, lines 60-64). As pointed out in applicants’ last reply, Ogawa et al. convert the target data file to a universal or common format suitable for convenient translation, but does not convert the data file to one of plural formats particularly suited for translation to the requested file format. In his further analysis beginning at page 9, the examiner contends that Ogawa et al. disclose a species of applicants’ claimed invention, and that the species anticipates a genus purportedly claimed by applicants. What’s still missing from Ogawa et al., though, is the step of translating the optimal file format *selected or determined in the determining step* to the requested format.

At page 9 of his analysis, the examiner further states that Ogawa teaches “storage of multiple file formats” and “selection of a translation module.” However, nothing in Ogawa et al. is said or suggested about selecting or determining a translation module or file format *according to what is determined in a determining step*, e.g., selecting a format most suitable for translation to the requested file format, substantially as claimed. Ogawa et al. perform no such determination of an optimal file format, but instead, simply convert the target file to a conveniently translatable universal format for subsequent translation to the requested file format. Thus, the disclosure of Ogawa et al., under the examiner’s analysis, still lacks a critical step in claim 1.

In finally rejecting claim 5 (which depends from claim 1) at page 3 of his analysis, the examiner also repeats the language of the previous rejection, but fails to take into account the amendatory language of claim 1 from which claim 5 depends.

In finally rejecting of claims 12 and 16 at page 3 of his analysis, the examiner also repeats the language of the previous rejection, but fails to take into account the amendatory language previously submitted relative to claim 12.

In finally rejecting claim 23 at page 3 of his analysis, the examiner correctly cites the amendatory language, but fails to point to any additional passage of Ogawa et al. that

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shows logic "for determining an optimal one of a plurality of file formats for use in performing said translation."

In finally rejecting claims 1-5, 7-8, 12-16, 18-19, and 23 under §102(e) as being anticipated by Pobert et al. at pages 3-4 of his analysis, the examiner again ignores the amendatory language of claims 1, 12, and 23. In addition, the examiner entirely ignores the step in claim 1 of "translating the optimal file format of said data file determined in said determining step." The final rejection of claims 2-5, 7-8, 12-16, 18-19, and 23 simply repeats the language of the previous rejection.

Likewise, the final rejection of claims 6, 9-11, 17, and 20-22 simply repeats the language of the previous rejection. No new art or additional passage of the cited art is relied upon to teach or suggest the amendatory language of the claims.

In light of the above-mentioned anomalies, it is possible that the examiner did not have the proper amendment before him at the time of examination. With respect to other claims, however, the correct amendatory language was properly reiterated.

Accordingly, reconsideration and/or withdrawal of finality is respectfully requested.

Because this response is being submitted within one month of the final rejection, applicants kindly request an advisory action prior to expiration of the shortened statutory period to enable time for consideration of an appeal.

Respectfully submitted,
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